

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ADAM P., DAN PILACHOWSKI,	)	
BRENDA PILACHOWSKI	)	
Plaintiffs	)	
	)	
vs.	)	CIVIL ACTION
	)	<b>3:06-cv-30149-KPN</b>
SOUTH HADLEY PUBLIC SCHOOLS,	)	
CITY OF SOUTH HADLEY,	)	
Defendants	)	
	)	

**PLAINTIFFS' OPPOSITION TO THE DEFENDANTS' MOTION TO JOIN  
THE BUREAU OF SPECIAL EDUCATION APPEALS (hereinafter  
"BSEA") AS A NECESSARY PARTY TO THIS ACTION**

Now come the Plaintiffs in the above-entitled action and hereby oppose the Motion of the Defendants to Join the BSEA as a necessary party to this action.

As reasons therefore, the Plaintiffs state that the Defendants did not appeal the decision of the Hearing Officer within the limitations period of 90 days and are now barred from doing so. Plaintiffs brought this action pursuant to 20 U.S.C. 1415 (i)(3)(B) of the IDEA and the award of attorney's fees to a prevailing party. Section 1415 (i)(3) does not require the BSEA to provide a

transcript to the Federal Court nor does it require the BSEA to forward a record of the administrative hearing.<sup>1</sup>

The Decision of the Hearing Officer was clear, the third grade I.E.P. was not appropriate. The Hearing Officer determined that the services in the third grade IEP were not addressing the child's educational needs.

(Decision, p. 11, ¶ 3). The School District was ordered to immediately convene a TEAM Meeting to develop an IEP calling for the child's placement in the language-based class, as modified by the decision.

WHEREFORE, the Plaintiffs respectfully request that this Honorable Court deny the Defendants' Motion to Join the BSEA as a necessary party.

Respectfully submitted,  
The Plaintiffs,  
By their Attorney

Dated: Nov. 22, 2006

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<sup>1</sup> Plaintiffs dispute the standard of "de novo" review cited by the Defendants and dispute that the "de novo" standard

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is a proper reading of the case cited in its Motion to Join the BSEA.